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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Glenn Rolus Borgward

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09/14/2011

IP STRATEGIES
12 1/2 WALL STREET
SUITE E
ASHEVILLE, NC 28801

EXAMINER

DHARIA, PRABODH M

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

09/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/508,794	Applicant(s) BORGWARD, GLENN ROLUS	
	Examiner PRABODH M. DHARIA	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 212,213,215-223 and 225-229 is/are pending in the application.
- 5a) Of the above claim(s) 1-211,214 and 224 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 212,213,215-223 and 225-229 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 15 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02-18-2011</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2629

Response to Amendment

1. The amendment filed 07-26-2011 does not introduce any new matter into the disclosure. The added material is supported by the original disclosure. Applicant has amended claim 212 to overcome prior art rejection.

2. **Status:** Please all replies and correspondence should be addressed to examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 07-26-2011 under amendments and request for continue examination, which have been placed of record in the file. Claims 212, 213, 215-223 and 225-229 are pending. Claims 1-211, 214 and 224 are cancelled.

3. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 02-18-2011 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2629

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 212, 213, 215-223 and 225-229 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebby et al. (US 5,534,888).

Regarding Claim 212, Lebby et al. (US 5,534,888) discloses a mobile display device (Col. 2, Line 10 suggests electronic book with plurality of displays), in particular for displaying text and image information (Col. 1, Lines 60-64), comprising: a casing having a planar display unit with at least one planar display screen disposed on a first side of the casing (Col. 2, Lines 10-17 discloses book with casing, please also see figure 1, Col. 3, Lines 10-30 discloses planar type display such as LCD or liquid crystal display, electroluminescent display); at least one manipulation region for operation by a user, said manipulation region being provided at a border zone of the display unit in such a way that the user can perform operating actions with one or more fingers of one hand (please see figures 1 and 4 item # 117, 417, 118) ; and at least one actuatable operating element that is arranged within the manipulation region on a second side of the casing that faces in a direction different than the first side, wherein actuation of the at least one operating element individually or in combination initiates at least one of leafing-through (please see figures 1-4, item # 116, 316 and 130, 330, 430, Col. 4, Lines 28-40) functions to navigate document content displayed on the display screen (Col. 5, Lines 2-32 suggests every page has navigation as well as scrolling function Item # 417 besides the front side Item # 117 or different from front side for turning pages or scrolling pages, the Item 117 are keys or push buttons; Col. 2, Lines 59-64; when book is opened and a planar display is displaying image as well as text data are displayed user can press 117 obviously located in the rear or back side of the display to one ordinary skill in the art to achieve various function while holding the book in the hand, please also see figures 1 and 4) scrolling functions to navigate document content displayed on the display screen, and providing functions for selection menus (Col. 5, Lines 34-67 suggests a scrolling function is used, providing menu driven function using stylus; pen or finger), wherein specific operating elements are allocated, in an initial state to a specific first function (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation

Art Unit: 2629

capabilities using various control, buttons and keys provided on the digital book display for scrolling and navigation purposes; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen, also suggests power-up operation controlled by CPU or MPU, figures 1-3, Col. 2, Lines 10-17 keys and buttons are operating elements, Col. 2, Lines 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col suggests the plurality of display pages, sensors associated with each pages, function. 6, Line 34, electronic books is opened the display pages with sensors initially displays the previously displayed pages), wherein said specific operating elements immediately after triggering a providing function for a selection menu (as soon as the display pages start displaying previously displayed pages the sensors associated senses the display being operational, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34), are automatically re-programmed to trigger, in a selection state (the MPU or CPU receiving sensors input start updating all both display page with selected materials or downloading updated material for those specific displays to be read by user and user selects appropriate buttons or keys to select function to be triggered, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34), a selection function within the provided selection menu (please see figures 4 and 5, showing the flow chart suggests a selection of function and triggering of the function provides a selectable menu Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 and per selection of a menu item the actuated elements automatically reprogrammed to achieve more than a specific function provided by software addressed by selected menu item).

Further, Lebby et al. (US 5,534,888) does disclose all the buttons and keys and sensors associated with the display page; after accessing of the pages produces display of the previous state or initial state please see figures 1-5, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 and sensors senses the display pages are accessed the sensor inputting to MPU or CPU downloads or uploads automatically the updates. User the selects the menu by using keys and buttons located on the display pages and triggers a selection function within the provided selection menu; please see figures 1-5, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 and also Col. 5, Lines 34-67 suggests a scrolling function is used, providing menu driven function using stylus; pen or finger, Col. 2, Lines 50-65 discloses the allocation wherein specific operating elements are allocated in

Art Unit: 2629

an initial state(Col. 2, Lines 55-58), to a specific first functionality, wherein said specific operating elements (Col. 2, Lines 59-64), immediately after triggering; providing menu of functions for a selection of a menu item displayed on the display screen Col. 5, Lines 61-67, are automatically re-programmed by software in a sense the selected menu item by finger or stylus performing function seems to be achieved by specific operating elements indirectly suggesting the specific operating elements is re-programmed to achieve selected menu function displayed on the display screen with the help of touch screen and finger or stylus Col. 5, Lines 58-67, Col. 6, Lines 1-20).

This does suggests the specific operating element is reprogrammed after being pressed or pushed by user providing user with displayable menu displayed on display screen for user to access and select menu item with finger or stylus and achieve desired function. Further suggesting the indirectly (to re-program specific operating element directly the hardware has to be altered) the specific operating element is reprogrammed as the selected menu item is automatically processed by software.

Further the above disclosure of the Lebby et al. (US 5,534,888) matches applicant's disclosure of 12-30-2002 page 30, paragraphs 94 and 95.

Regarding Claim 213, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least two actuatable operating elements, wherein the arrangement of the at least two actuatable operating elements within the manipulation region is such that the at least two actuatable operating elements can be actuated simultaneously with the fingers of one hand (Col. 4, Lines 13-49).

Regarding Claim 215, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes abutting combination key elements (Col. 4, Lines 13-49).

Regarding Claim 216, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes three abutting combination key elements being arranged such that they are operable by index finger, middle finger and ring finger of a hand holding the mobile display device (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 21-39).

Art Unit: 2629

Regarding Claim 217, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least one of directional keys and function keys that can be actuated individually or in combination to provide different functions (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49).

Regarding Claim 218, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element is configured such that actuation of an actuatable operating element alone or actuatable operating elements in combination causes the display screen to display a next page of a displayed document (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 15-67).

Regarding Claim 219, Lebby et al. (US 5,534,888) discloses the at least one manipulation region is disposed such that the user can perform the operating actions without requiring a substantial movement of the carpus of a holding hand of the user relative to the casing (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 15-67).

Regarding Claim 220, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least one of a slide pad, a track ball and a multifunction key (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 15-67).

Regarding Claim 221, Lebby et al. (US 5,534,888) discloses at least a portion of the display screen within the manipulation region includes a touch-sensitive touch screen (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display; Col. 5, Lines 50-67, suggests the communication can be carried out via stylus suggest having a touch screen).

Regarding Claim 222, Lebby et al. (US 5,534,888) discloses at least a border zone of the display screen includes a touch-sensitive touch screen, wherein at least one of a screen corner region and a region in the middle of the border zone is actuatable for initiating specific functions (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 15-67).

Art Unit: 2629

3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen).

Regarding Claim 223, Lebby et al. (US 5,534,888) discloses actuation of at least one of the at least one actuatable operating element and the touch-sensitive touch screen individually or in combination initiates leafing-through or scrolling functions for navigating content of a displayed document, provides functions for selection menus, or selects functions within provided selection menus (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display for scrolling and navigation purposes; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen).

Regarding Claim 225, Lebby et al. (US 5,534,888) discloses the selection menus are displayed only in a border portion of the display screen without covering content of the displayed document (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display menu for scrolling and navigation purposes and controlling display suggests the menu displayed on a page and other pages display menu selected information and therefore menu is not covering any portion of the display; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen).

Regarding Claim 226, Lebby et al. (US 5,534,888) discloses the display unit includes at least two parts (please see figures 1-4).

Regarding Claim 227, Lebby et al. (US 5,534,888) discloses the display unit comprises at least two display screens (please see figure 4, Col. 4, Lines 13-49).

Art Unit: 2629

Regarding Claim 228, Lebby et al. (US 5,534,888) discloses the casing includes a main part and at least one ancillary part, wherein the main part and the at least one ancillary part are arranged such that the casing can be opened and shut about a folding axis like a book, and wherein the main part and the at least one ancillary part form a spine element (please see figures 1-4).

Regarding Claim 229, Lebby et al. (US 5,534,888) discloses the main part includes at least one display screen, the at least one ancillary part includes at least one display screen, and the display unit is arranged such that the main part and the at least one ancillary part are presented to a user like pages of a book when the casing is opened (please see figures 1-4).

Response to Arguments

7. Applicant's arguments filed 07-26-2011 have been fully considered but they are not persuasive.

Applicant argue Lebby et al. (US 5,534,888) fails to disclose or suggest the operating element states recited in claim 21.2, That is, Lebby et al. do not disclose or suggest that specific operating elements are allocated to a first functionality in an initial state and that, after a providing function for a selection menu is triggered (via. the operating elements), the operating elements are automatically re-programmed so that they are then in. a :selection state, in which the operating elements triggers a selection function within the provided selection menu.

Examiner disagrees as Lebby et al. (US 5,534,888) does disclose all the buttons and keys and sensors associated with the display page; after accessing of the pages produces display of the previous state or initial state please see figures 1-5, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 and sensors senses the display pages are accessed the sensor inputting to MPU or CPU downloads or uploads automatically the updates. User the selects the menu by using keys and buttons located on the display pages and triggers a selection function within the provided selection menu; please see figures 1-5, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 and also Col. 5, Lines 34-67 suggests a scrolling function is used, providing menu driven function using stylus; pen or finger, Col. 2, Lines 50-65 discloses the allocation wherein specific operating elements are

Art Unit: 2629

allocated in an initial state(Col. 2, Lines 55-58), to a specific first functionality, wherein said specific operating elements (Col. 2, Lines 59-64), immediately after triggering; providing menu of functions for a selection of a menu item displayed on the display screen Col. 5, Lines 61-67, are automatically re-programmed by software in a sense the selected menu item by finger or stylus performing function seems to be achieved by specific operating elements indirectly suggesting the specific operating elements is re-programmed to achieve selected menu function displayed on the display screen with the help of touch screen and finger or stylus Col. 5, Lines 58-67, Col. 6, Lines 1-20).

This does suggests the specific operating element is reprogrammed after being pressed or pushed by user providing user with displayable menu displayed on display screen for user to access and select menu item with finger or stylus and achieve desired function. Further suggesting the indirectly (to re-program specific operating element directly the hardware has to be altered) the specific operating element is reprogrammed as the selected menu item is automatically processed by software.

Further the above disclosure of the Lebby et al. (US 5,534,888) matches applicant's disclosure provided by applicant in his remark on page 6 of 15, paragraph 3, Line 1-3. However, the figures 15 and 16 does suggests applicant's claimed invention, however, pages 17 Line 34 to page 18 Line 17 does not provide appropriate disclosure, however the specification submitted on the 12-30-2002 page 30 paragraphs paragraph 94 and 95 does suggests applicant's claimed invention and matches Lebby et al. (US 5,534,888) disclosure as argued above.

Applicant's disclosure submitted as specification on 12-30-2002

page 30

[0094] Fig. 15 shows functional possibilities of a minimum configuration of operating elements of the digital book according to the invention, comprising a first function to perform a first task, using as example the provision of select information on the display area and the automatic and software-controlled reprogramming of the operating elements following said first operation, for fulfilling a second task, e.g. the selection and/or activation of a selected function or deactivation of said provision.

[0095] Fig. 16 shows the general combination possibility of an input area of the digital book according to the invention, using as example three real operating elements and their programming with

Art Unit: 2629

regard to a first function and additional first functions rendered possible by combined operation, as well as the automatic, software controlled reprogramming of the operating elements by a first operating step, in order to fulfill another task in a second operating step.

Therefore “the Claim 212 rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and the amendment filed is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure” is withdrawn.

Applicant argues Lebby et al. (US 5,534,888) fails to disclose or suggest the claimed re-programming of operating elements from an initial state to a selection state, enabled by a providing function triggered by an operating element.

Examiner disagrees, as Lebby et al. (US 5,534,888) does suggests re-programming of operating elements from an initial state to a selection state, enabled by a providing function triggered by an operating element (please see figures 1-5, Col. 2, Lines 10-17, 50-67, Col. 4, Lines 13-49, Col. 5, Line 46 to Col. 6, Line 34 sensors senses the display pages are accessed the sensor inputting to MPU or CPU downloads or uploads automatically the updates. User the selects the menu by using keys and buttons located on the display pages and triggers a selection function within the provided selection menu; and Col. 4, Lines 28-49, suggests the sensors associated with each page in communication with CPU or MPU does re-program to initial state to a selection state after reaching final display page or end of the book or last display page).

Applicant argues the prior art of Lebby et al. (US 5,534,888) fails to disclose buttons or keys as input device on the rear of the display.

Examiner disagrees as the prior art of Lebby et al. (US 5,534,888) does suggest the Item 117 are keys or push buttons (Col. 2, Lines 59-64); when book is opened and a planar display is displaying image as well as text data are displayed user can press 117 obviously located in the rear or back side of the display to one ordinary skill in the art to achieve various function while holding the book in the hand, please also see figures 1 and 4.

Art Unit: 2629

Further Applicant argues the prior art of Lebby et al. (US 5,534,888) fails to disclose scrolling functions to navigate document content displayed on the display screen, and providing functions for selection menus.

Examiner disagrees as the prior art of Lebby et al. (US 5,534,888) does disclose scrolling functions to navigate document content displayed on the display screen, and providing functions for selection menus (Col. 5, Lines 34-67 suggests a scrolling function is used, providing menu driven function using stylus; pen or finger, Col. 2, Lines 50-65 discloses the allocation wherein specific operating elements are allocated in an initial state (Col. 2, Lines 55-58), to a specific first functionality, wherein said specific operating elements (Col. 2, Lines 59-64), immediately after triggering a providing function For a selection menu Col. 5, Lines 61-67, are automatically re-programmed by software in a sense the selected menu item by finger or stylus performing function seems to be achieved by specific operating elements suggesting the specific operating elements is re-programmed Col. 5, Lines 58-67, Col. 6, Lines 1-20).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2629

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRABODH M. DHARIA whose telephone number is (571)272-7668. The examiner can normally be reached on M-F 8-30AM to 5PM.

10. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria VA 22313-1450

/Prabodh M Dharia/

Primary Examiner

Art Unit 2629

09-10-2011